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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,662	08/19/2003	John N. White	01-3304/370017-00002	6428
8840	7590	07/16/2004	EXAMINER	
ECKERT SEAMANS CHERIN & MELLOTT, LLC			GORDON, STEPHEN T	
ALCOA TECHNICAL CENTER			ART UNIT	
100 TECHNICAL DRIVE			PAPER NUMBER	
ALCOA CENTER, PA 15069-0001			3612	

DATE MAILED: 07/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/644,662

Applicant(s)

WHITE, JOHN N.

Examiner

Stephen Gordon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-25 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The disclosure is objected to because of the following informalities: on page 4 – line 15, "Fig. 2" should be –Fig. 3--.

Appropriate correction is required.

2. Claims 1-13, 15-18, and 24-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1, "the hauling bed" in the last line lacks clear antecedent basis and could be written as –a hauling bed--.

Re claim 2, line 2 is somewhat confusing, and –respective—could be inserted after "with the" to clarify the line as best understood. Additionally, line 4 is somewhat confusing, and –respective—could be inserted after "to the" to clarify the line as best understood.

Re claim 15, line 2 is somewhat confusing, and –respective—could be inserted after "with the" to clarify the line as best understood.

Re claim 24, "the..anchor blocks" and "the...bed plates" lack clear antecedent basis as no anchor blocks or bed plates are previously recited.

Re claim 25, "the hauling bed" in the line 6 lacks clear antecedent basis and could be written as –a hauling bed--. Additionally, line 9 is somewhat confusing, and –respective—could be inserted after "with the" to clarify the line as best understood. Finally, line 11 is somewhat confusing, and –respective—could be inserted before "end plates" to clarify the line as best understood.

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3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 14, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Stafford.

Stafford teaches a truck bed security bar including an elongated cross bar 4 defining openings at each end (i.e. the openings receiving elements 8), end plates 6 cooperating as broadly claimed, and fastening elements 10+.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-12 and 21-23, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stafford in view of Gallo.

Stafford teaches all of the claimed features as discussed above regarding claims 1 and 14 but fails to specifically teach a cross bar bumper as defined.

Gallo teaches wrapping a cargo securing cross bar with a resilient rubber bumper 18+ to protect secured cargo during transport.

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In order to better protect cargo during transport, it would have been obvious to one of ordinary skill in the art to provide the cross bar of Stafford with a wrap around resilient rubber bumper in view of the teachings of Gallo.

Re claims 12 and 23, the wrap around bumper of Stafford as modified by Gallo would extend along an edge as broadly claimed.

7. Claims 8 and 19, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stafford in view of Dunlop.

Stafford teaches all of the claimed features as discussed above regarding claims 1 and 14 but fails to specifically teach an attached eye bolt as recited.

Dunlop teaches attaching an eye member (e.g. 70) to a cargo securing cross bar to provide additional securing/tie points for cargo during transport.

In order to allow for more system flexibility, it would have been obvious to one of ordinary skill in the art to provide the cross bar of Stafford with cargo tie down eyes at various points in view of the teachings of Dunlop.

Re claims 8 and 19, the attached eyes of Dunlop are deemed to define "bolts" as broadly claimed.

8. Claims 5 and 24, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Stafford.

Stafford teaches all of the claimed features as discussed above regarding claims 1 and 14 but fails to specifically teach that the identified elements comprise aluminum as recited.

It is notoriously well known in the art to fabricate securing/cargo bar parts from aluminum due to its good strength to weight characteristics.

In order to create a vehicle cargo bar assembly that has good strength to weight characteristics in order to effect better fuel efficiency, it would have been obvious to one of ordinary skill in the art to fabricate the various identified members of the cross bar of Stafford from aluminum in view of common art practices.

9. Claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

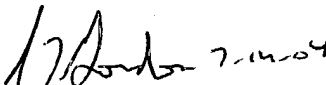
10. Claim 25 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

11. Claims 2-4, 6, 7, 9, 13, and 15-18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Note at least Stapleton et al teaches a cargo bar with attached tie eye anchors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gordon whose telephone number is (703) 308-2556. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Stephen Gordon
Primary Examiner
Art Unit 3612

stg